

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICARDO COPANTITLA, DIEGO DIAZ DE LA
VEGA, IGNACIO GARCIA, FREDDY GUACHUN,
JULIO LANTIGUA, MANUEL LIZANDRO, MARTIN
LOPEZ, SEBASTIAN LOPEZ, AUGUSTIN
MALDONADO, HENRY MATUTE, JOELITO
MELENDEZ, AUSSENCIO RAMIREZ, and JOSE
LUIS VARGAS,

Plaintiff,

-against-

FISKARDO ESTIATORIO, INC. d/b/a THALASSA
RESTAURANT, GEORGE MAKRIS, JULIA MAKRIS,
STEVE MAKRIS, and FANTIS FOODS, INC.,

Defendant.

09 Civ. 1608 (RJH)

NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the annexed Declaration of Marc D. Ashley in Support of Plaintiffs' Motion for Partial Summary Judgment, executed November 15, 2010, and the exhibits thereto, the annexed Plaintiffs' Rule 56.1 Statement of Undisputed Material Facts, the Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment, and upon all the prior pleadings and proceedings had herein, plaintiffs Ricardo Copantitla, Diego Diaz de la Vega, Ignacio Garcia, Freddy Guachun, Julio Lantigua, Manuel Lizondro,¹ Martin Lopez, Sebastian Lopez, Augustin Maldonado, Henry Matute, Joelito Melendez, and Jose Luis

¹ Plaintiff Manuel Lizondro is inaccurately referred in the Complaints as "Lizandro."

Vargas (collectively, "Plaintiffs")², by and through their attorneys shall move before the Honorable Richard J. Holwell, on March 4, 2011, for an order seeking partial summary judgment on behalf of Plaintiffs, and granting Plaintiffs such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule agreed upon by the parties and approved by the Court, Defendants' papers in opposition to this motion are to be served on or before December 17, 2010. Plaintiffs' reply papers are to be served on or before January 12, 2011.

Dated: New York, New York
November 15, 2010

Respectfully submitted,

CHADBOURNE & PARKE LLP

By /s/ Marc D. Ashley
Marc D. Ashley (MA-8896)
mashley@chadbourne.com
30 Rockefeller Plaza
New York, New York 10112
Telephone: (212) 408-5100
Facsimile: (212) 541-5369

² Aussencio Ramirez is also a plaintiff in this action. Plaintiffs do not move for summary judgment on allegations in the Complaint relating to Ramirez but reserve the right to pursue such claims at trial.

SHEARMAN & STERLING LLP

Daniel C. Lewis
daniel.lewis@shearman.com
599 Lexington Avenue
New York, New York 10022
Telephone: (212) 848-4000
Facsimile: (212) 848-7179

URBAN JUSTICE CENTER

David Colodny
Dcolodny@urbanjustice.org
123 William Street, 16th Floor
New York, New York 10038
Telephone: (646) 602-5600
Facsimile: (212) 533-4598

Attorneys for Plaintiffs